



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 2, 1998

Ms. Dianne Eagleton  
Supervisor, Records Division  
North Richland Hills Police Department  
P. O. Box 820609  
North Richland Hills, Texas 76182-0609

OR98-2555

Dear Ms. Eagleton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119218.

The North Richland Hills Police Department (the "department") received a request for documents relating to an aggravated sexual assault case. You contend that the requested documents are excepted from disclosure under section 552.101 of the Government Code in conjunction with the common-law right to privacy.

Section 552.101 excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." The common-law right to privacy, incorporated into the Open Records Act by section 552.101, protects information if it is highly intimate or embarrassing such that its release would be highly objectionable to a reasonable person and the public has no legitimate interest in it. *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In Open Records Decision No. 339 (1982), we concluded that the common-law right to privacy protects the identity of a sexual assault victim. Therefore, we have marked the information in the submitted documents that identifies the sexual assault victim. The department must withhold this marked information from disclosure under section 552.101.

We note that the submitted documents contain drivers license numbers that are excepted from disclosure under section 552.130 of the Government Code. Section 552.130 provides in relevant part:

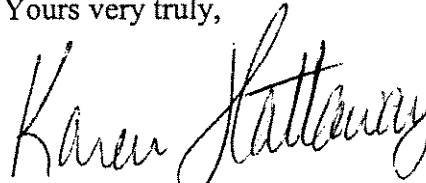
(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state; [or]
- (2) a motor vehicle title or registration issued by an agency of this state[.]

We have marked the information that is excepted from disclosure under section 552.130. The department must also withhold this information from disclosure. The department must publicly disclose all of the unmarked information in the submitted documents.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway  
Assistant Attorney General  
Open Records Division

KEH/mjc

Ref: ID# 119218

Enclosures: Marked documents

cc: Ms. Maria D. Ventura  
4909 Jerri Lane  
Haltom City, Texas 76117  
(w/o enclosures)